

OCT 09 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

CLIFFORD CHANLER; LAUREN WALES
CHANLER,

Plaintiffs - Appellants,

v.

JOHN A. STONICH; LAWRENCE E.
FAHN; THOMAS W. VAN DYCK; AS
YOU SOW, (AYS),

Defendants - Appellees.

No. 02-17093

D.C. No. CV 01-0648 VRW

ORDER*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Argued and Submitted October 7, 2003
San Francisco, California

Before: B. FLETCHER and TASHIMA, Circuit Judges, and Pollak, Senior
District Judge.**

In response to the order issued by the court, the parties agree that there is no
final judgment in this case. Plaintiffs' claims against defendants Pruitt, Portik,

* This disposition is not appropriate for publication and may not be cited to or by the
courts of this circuit except as provided by Ninth Circuit Rule 36-3.

SPJ Skip Tracing, and SPJ Associates are still pending in the district court. This court therefore lacks appellate jurisdiction over this appeal. *See* 28 U.S.C. § 1291; *Baker v. Limber*, 647 F.2d 912, 916 (9th Cir. 1981) (holding that an order adjudicating the rights and liabilities of fewer than all of the parties is not final under § 1291, absent a certification pursuant to Fed. R. Civ. P. 54(b)).

This appeal is hereby **DISMISSED**.

** The Honorable Louis H. Pollak, Senior United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

